

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

**United States of America**

**v.**

Case No. 08-cr-107-PB

**Marcus Cherry**

**O R D E R**

The defendant, through counsel, has moved to continue the trial scheduled for May 5, 2009, citing the need for additional time to complete the previously ordered psychiatric evaluation by Dr. McGuire and engage in plea negotiations or prepare for trial. In addition, defendant cites his continuing participation in a long-term rehabilitation program at the Strafford County House of Corrections. The government does not object to a continuance of the trial date.

Accordingly, for the above reasons and to allow the parties additional time to properly prepare for trial, the court will continue the trial from May 5, 2009 to August 18, 2009. In agreeing to continue the trial, the court finds pursuant to 18

U.S.C.A. § 3161(h)(8)(A) that for the above-stated reasons, the ends of justice served in granting a continuance outweigh the best interests of the public and the defendant in a speedy trial.

The April 23, 2009 final pretrial conference is continued to July 27, 2009 at 3:00 p.m.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

April 23, 2009

cc: Tony Soltani, Esq.  
Terry Ollila, Esq.  
United States Probation  
United States Marshal